

Remarks/Arguments

Applicant would first like to thank the Examiner for his comments made during the previously held interview. The Examiner's willingness to work toward the common goal of the allowance of this application during that interview is greatly appreciated.

This paper addresses the issues raised in the Office Action made Final mailed 4 November 2005. This amendment is submitted in compliance with the guidelines of the revised amendment practice. See 1267 Off. Gazette 106.

Claims 1-3, 6-14 and 18-26 are currently pending. The drawings were objected to under 37 CFR 1.84. Claims 1, 2, 10, 24-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kinoshita (USPN 5,734,724). Claims 6-9, 11, 14 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita in view of Begault, D.R. ("Techniques"). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita in view of Slater (USPN 4,941,187). Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita in view of Techniques and further in view of Slater. Claims 18-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita in view of Slater and Elko (USPN 6,041,127). As set out below, Applicant respectfully submits that the present invention as claimed is patentable over the cited art and urges the Examiner to reconsider the pending rejections.

Drawing Objection

The Examiner has continues his objections to the drawings due to nonconforming lines

and margins. Applicant submits new formal drawings will be submitted upon the Notice of Allowance. Accordingly, Applicant asks that this objection be held in abeyance pending the issuance of a Notice of Allowance in the matter.

Claims Rejection - 35 U.S.C. § 102(b)

(Claims 1, 2, 10, 14 and 24-26)

Examiner Graham has rejected Claims 1, 2, 10, 24-26 under 35 U.S.C. § 102(b) as being anticipated by Kinoshita (USPN 5,734,724). As shown below, it is respectfully submitted that these Claims are not anticipated by Kinoshita. Reconsideration is respectfully requested.

In making this rejection, Examiner Graham concluded that Kinoshita included all the limitations of the stated claims. More specifically, it was concluded that this reference discloses an audio communication control unit, wherein the properties of the sound images of various input audio channels are controlled in regards to their perceived spatial position and that this audio communication control unit includes all the limitations set out in the communication system as set out in the rejected claims.

Due to Kinoshita being included in all rejections in the pending Office action, a brief discussion of this reference is in order. As will be explained in greater detail below, Kinoshita does not include a number of elements included in the pending claims.

Kinoshita teaches an application of multi channel audio to a system for teleconferencing over a telecommunications network. The advantages of multi channel audio had been known

and exploited in other contexts long before. It is the application to the teleconferencing system which Kinoshita describes.

Kinoshita defines a teleconference as having at least three participants, each at his own terminal. Each terminal provides the capability to hear the teleconference and speak in the teleconference. Kinoshita, in his invention, also requires that each participant be able to hear multiple channels, at least two, in which case we call it stereo. Further, Kinoshita provides each participant with a terminal, wherein each terminal has a microphone and at least two speakers or a stereo headphone.

In Kinoshita, a telecommunications network provides the connections between his control unit and his terminals. He defines this network as capable of interactive communications. This means that the network sends signals simultaneously two ways, both to and from each and every terminal that is participating in a teleconference. Furthermore, to be used in Kinoshita's system, the network must be capable of sending multiple audio channels, at least two, to each terminal.

Kinoshita requires each and every one of these conditions in every embodiment he describes. Absent any one of these requirements, Kinoshita's system will not function. Most significantly, Kinoshita describes no system outside of these requirements.

The communication network in Kinoshita is best described as requiring simultaneous bi-directional communication lines. These communication lines are bi-directional due to their ability to send and receive signals. The terminals are connected via communication lines which are "capable of interactive audio communications", i.e. bidirectional communication lines.

(Col. 8, lines 35-36).

None of the Kinoshita terminals are allowed to only transmitting signals. In other words, all of the Kinoshita terminals are capable of receiving signals. While Kinoshita allows for a participant to selective turn off components of the stereo signal, the terminal is still receiving the stereo audio signal. The stereo audio channel to the terminals remains intact.

The invention, as set out in the Claims, is distinctive from Kinoshita. All of the independent claims, Claims 1, 10, 14 and 24-26, include the limitation that one of the sources does not receive stereo signals from the system. In other words, the system as set out in the Claims cannot be bi-directional as required in the Kinoshita system. The source, which does not receive a stereo signal, has no option on whether to listen to the other sources. It can't as it does not have a bi-directional communication line. It merely sends a signal, but does not receive a stereo signal in return. Kinoshita specifies, in contrast, that all recipients have bi-directional stereo communication lines so as to be interactive.

One argument previously made by the Examiner involves Kinoshita's ability to allow for two separate teleconferences to be held simultaneously with only one participant being in communication with both. In such a situation, only that person can listen and speak to all the other participants. The other participants can only listen and speak to those within their respective teleconferences. (See Kinoshita, Figure 19)

Kinoshita says explicitly that each and every participant can listen to other participants. (Col 18, line 6) "The user of terminal TM-3 can listen to sound of the user at any of the terminals TM-1, TM-2 and TM-4 to TM-6 , and all of the users' at the terminals TM-1, TM-2

and TM-4 to TM-6 can listen to sound of the user at terminal TM-3. " Thus, TM-1 cannot hear TM-4, 5 or 6, but it can hear TM-2 and TM-3. Likewise, TM-4 cannot hear TM-1 or 2, but can hear TM 5 and 6. Thus, all terminals have the ability, via bi-directional communication lines to hear and speak to other telecommunication participants. The ability not to hear either selectively or due to multiple teleconference configurations, does not affect the claimed invention. Even in this example, Kinoshita provides all participants with the means to send and receive signals, albeit within their own teleconference. There is not one teleconference participant that does not have the ability to receive any signals.

Regarding the Examiner's argument that participants do not hear due to their ability to selectively not hear sound, such ability does not change Kinoshita's dependence on all terminals having bi-directional communication lines. From col 24, line 1: " Upon receiving from each terminal TM-J the control signal designating one or more teleconferences the user of that terminal intends to monitor, ... ". The user intends to monitor one or more teleconferences. Since the user can choose to monitor at least one conference, the system must provide, and does provide the means to deliver a conference to each and every user. Thus, the ability to selectively listen does not change Kinoshita's structural limitation that every terminal does receive stereo audio signals. The inclusion of a non-bidirectional communication line is not disclosed. In fact, for the reasons set out above, the inclusion of such a communication line would frustrate the purpose of the Kinoshita system.

The present invention as set out in the subject claims is directed toward the ability to distinguish multiple sound signals simultaneously, irrespective of whether any of the sources

providing those signals can receive the signals from other sources. As an example of use in an aircraft, the source sending a signal which is in the form of a continuous weather broadcast, and as such, is unable to receive other signals from other sources, i.e. signals from the pilot, passengers, tower, etc.

With respect to Claim 2, the Examiner indicated that Kinoshita disclosed a continuous broadcast. For the reasons set out in the prior interview, and the documents submitted therein, it is submitted that Kinoshita does not disclose a continuous broadcast.

Accordingly, Kinoshita does not include all the limitations as set out in Claims 1, 2, 10 and 24-26. Reconsideration of the rejection is respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a)

(Claims 6-9, 11, 14 and 23)

Claims 6-9, 11, 14 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita in view of Begault, D.R. ("Techniques"). In making this rejection, the Examiner indicated that Kinoshita disclosed all limitations of the subject claims except for an amplitude difference of at least 3 db. However, according to the Examiner, Techniques provided this teaching, and such would be obvious to combine with Kinoshita.

As set out above, Kinoshita requires all its terminals to have bidirectional communication lines. Kinoshita expressly prohibits single directional communication lines. Due to adverse effect a single directional communication line would have on the operation of the communication network of Kinoshita, it would be not be obvious to combine Kinoshita with

any prior art that teaches or suggests the use of such a communication line. Thus, it is respectfully submitted that it would not be obvious to combine Kinoshita with Begault.

Accordingly, it is submitted the subject claims are not disclosed by the combination of these references. Thus, Claims 6-9, 11, 14 and 23 are not rendered obvious by the combination of these references. Reconsideration is respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a)

(Claim 3)

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita in view of Slater (USPN 4,941,187). In making this rejection, the Examiner indicated that Kinoshita disclosed all limitations of the subject claims except for a continuous broadcast being a weather report broadcast. However, according to the Examiner, Slater provided this teaching, and such reference would be obvious to combine with Kinoshita.

As set out above, Kinoshita requires all its terminals to have bidirectional communication lines. Thus, for the same reasons as set out above regarding Begault, it is respectfully submitted that it would not be obvious to combine Kinoshita with Slater.

Additionally, Slater, starting at column 3, line 55, recognizes the issue of aviation radio communications and cabin intercom communications interfering with each other, and proposes a solution. Starting at column 8, line 53 he describes how an "aircraft receive audio" signal is processed by his system. It is well known in the field of aviation communications that aircraft communications are limited to one direction at a time, as emphasized by Slater's incorporation

of the radio's "push-to-talk" line (column8, line 55). It is further well known that aircraft communications radios are monaural and incapable of sending or receiving stereo signals.

Kinoshita teaches away from both of these features. He requires connections via communications lines which are "capable of interactive audio communications" (Kinoshita column 8, line 35), which push-to-talk radios are not. Additionally Kinoshita teaches that the communications lines must be capable of sending at least two simultaneous signals (at least stereo) to each sound source terminal, describing K channels of audio signals being branched to each terminal, with "K being an integer equal to or greater than 2." (column 3, line 45) He teaches away from the monaural signals of aircraft radio communications, and he teaches away from the one-direction at a time transmission of signals.

Thus, by Kinoshita's specifications, Slater's system is not combinable with Kinoshita.

Still further, for the reasons set out in the prior interview, and the documents submitted therein, it is submitted that Slater does not disclose a continuous broadcast.

Accordingly it is submitted the subject claim are not disclosed by the combination of these references. Thus, Claim 3 is not rendered obvious by the combination of these references. Reconsideration is respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a)

(Claims 12 and 13)

Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita in view of Techniques and further in view of Slater. For the reasons stated above, it

is submitted that there is no motivation, teaching or suggestion to combine these references, and if such are combined, the claimed subject matter would not be disclosed. Accordingly, Claims 12 and 13 are not rendered obvious by the combination of these references. Reconsideration is respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a)

(Claims 18-22)

Claims 18-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita in view of Slater and Elko (USPN 6,041,127). For the reasons stated above, it is submitted that there is no motivation, teaching or suggestion to combine Slater with Kinoshita, and if such are combined, the claimed subject matter would not be disclosed. As set out above, Kinoshita requires all its terminals to have bidirectional communication lines. Neither Slater nor Eklo add this element to Kinoshita. Accordingly, Claim 18 and Claims 19-22 depend from Claim 18 are not rendered obvious by the combination of these references. Reconsideration is respectfully requested.

Based on the above, Applicant respectfully submits that the application is in condition for registration and reconsideration is requested. If the Examining Attorney has any questions or comments or if further clarification is required, it is requested that he contact the undersigned at the below listed telephone number.

It is understood that a two-month extension is due. Please consider this to be an extension of such time. A two-month extension fee is included with this paper. In the event a

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fee deficiency have occurred, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bt Capehart', is written over the typed name.

Brent A. Capehart
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BAC/rm
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